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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,718	10/17/2003	Susan B. Cirulli	END920030061US1 (16846)	3283
23389	7590	05/09/2006	EXAMINER ALLEN, WILLIAM J	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,718

Applicant(s)

CIRULLI ET AL.

Examiner

William J. Allen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5, 7-11, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Centner et al. (US 2002/0007324, herein referred to as Centner).**

Regarding claim 1, Foss teaches:

preparing an electronic requisition form including a proposal for a requisition (see at least abstract, 0016, 0048, Fig. 4a, 5(a)); The Examiner notes that the electronic RFQ constitutes an electronic form;

establishing an electronic list of approvers for the requisition (see at least: 0015, 0037, 0050, Fig. 5(c)); and

at defined times, electronically recalculating the list (see at least: 0039, 0043, 0052, Fig. 5(d)). The Examiner notes that when a new bid is placed or a bid is updated, the system recalculates the list accordingly. The instance when new or updated bids are placed constitutes a *defined time*.

Regarding claims 2-3, Foss teaches:

(2) wherein the step of recalculating the list includes the step of recalculating the list after each of at least some of the approvers act on the proposal for the requisition (see at least: 0039, 0043, 0052, Fog. 5(d)). The Examiner notes that when a new bid is placed or a bid is updated, the system recalculates the list/rank accordingly.

Additionally, the Examiner notes that “some” approvers could be one, a portion, or all of the possible approvers.

(3) wherein the step of recalculating the list includes the step of recalculating the list according to a given set of (see at least: 0038, 0039, 0041, 0043, 0052, Fog. 5(d)).

Regarding claims 4 and 5, Foss teaches:

wherein each of the approvers is associated with a computer station (see at least: Fig. 1); and

further comprising the steps of: *after preparing the electronic requisition form, electronically sending the form to an application server (see at least: abstract, 0016, Fig. 1); and*

(4) after receiving the form, the application server immediately sending the form to the computer station associated with one of the approvers (see at least: 0039). The Examiner notes that by sending the RFQ data via email fax, or the like, Centner thereby sends the RFQ (i.e. form).

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(5) after receiving the form, the application server immediately sending notices to the computer stations associated with the at least some of the approvers, said notices indicating that the form is available at the server (see at least: 0016).

Regarding claims 7-11 and 13-17, the limitations of claim s7-9 and 13-15 closely parallel the limitations of claim 1-5. Claims 7-11 and 13-17 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss in view of McCune (US 5,870,754).**

Regarding claim 6, Centner teaches all of the above as noted and further teaches establishing a set time period (start and end times) for the auction for all of the approved suppliers (see at least: 0014). Centner, however, does not expressly teach *after the associated length of time, electronically sending to the computer station associated with the approver, a reminder notice to act on the proposal for the requisition*. McCune teaches *after the associated length of time, electronically sending to the computer station associated with the approver, a reminder notice to act on the proposal for the requisition* (see at least: Fig. 4A, col. 6 lines 27-31). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Centner to have included *after the associated length of time, electronically sending to the computer station associated with the approver, a reminder notice to act on the proposal for the requisition* as taught by McCune in order to prevent processing if all responses have not been received and automatically soliciting responses from

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participants who have failed to respond to facilitate efficient processing and tracking of requests (see at least: McCune, col. 2 lines 40-43, col. 6 lines 27-31).

Regarding claims 12 and 18, the limitations set forth in claims 12 and 18 closely parallel the limitations set forth in claim 6. Claim 12 and 18 are thereby rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,646,373 to Carlton-Foss discloses a method and system for transmitting and processing electronic reverse auction data

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on (571) 272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen
Patent Examiner
May 2, 2006

WJ Allen
Primary Examiner